

Dead Girl's Brother Surprise Witness Near Close

didn't know whether he had a gun in there or not. Answering Mr. Wendenburg, witness said that during the time Neblett was on the bridge, Paul neither went to nor came from the machine house.

A. H. Crowder testified to the same. He was very sure that Paul sat on the log beside him, for a bug bit him on the neck, and he applied his chest of tobacco to the place where the bug bit, and, presumably, ejected a cure. He stated that he wasn't watching Paul particularly, but anybody else, he was just watching his "own self." I ain't paid to watch no one," he added.

Didn't Even Know Paul. William, Snare was called. He stated that Neblett asked him to point Paul out at the courthouse last Saturday.

Where he is. He's got the baby in his arms," he said to Neblett.

Is that Paul? Neblett inquired of him, the witness said.

"Where was Paul then?" asked the judge.

The witness pointed to a tree outside the window.

"Was there a crowd around him?" inquired the court.

"No, sir."

Witness said he had known Neblett for twelve years, that they had been Sunday school boys together.

Dr. J. G. Loving, county coroner, was recalled. He was asked if it were medically possible for Henry Beattie to have possessed the dead body of his wife and have taken it home in the position he had described, but the court ruled that it was a question as to a physical possibility, which the jury could decide. Dr. Loving agreed that it would be a matter of common knowledge, and was excused.

Photographer Called Down. As Dr. Loving left the chair a young photographer, whom Judge Watson had noticed from the window, was brought in by Sheriff Gill. He said that his name was Sprague. He was from somewhere west of Susquehanna—he named as home. The court warned him that he was not to take pictures of the court in session, and he said that he was only resting his camera near the window. With that he was excused.

Mrs. F. B. Nolan, of 203 Randolph Street, was called. She lives next to Paul Beattie's home.

"Tell this jury what you know about Paul's coming home in a machine driven by his cousin Henry," said Mr. Wendenburg. "Did you see Paul come up in a machine?"

Saw Motor Car. "Yes, Thursday night. There was another man in the machine, but it was too dark for me to see him. The machine stopped, and a man got out to fix the lights. The machine went away, and I saw it come to me as he was coming up the steps. I was on

the porch of my house."

"Could the man in the machine have heard what passed between you and Paul?" asked the court. She replied that the man in the machine could not have heard them, and what was said by Paul to her was ruled out.

"What was the color of the machine?"

"It was too dark to see."

"What time was it?"

"Between 9 and 10—near to 10."

"Was the top up?"

"Yes."

"Was it yellow?"

"I can't tell. Yellow looks black to me in the dark."

As Mrs. Nolan finished the court's watch spoke the hour as being close to 1:15, and court was adjourned for lunch.

Henry Owen Swears Couple Had Words

Beattie, Two Weeks Before Murder, Left Wife Without Being Kissed—Same Witness Saw Him Talking Quietly With Paul at Beattie Home After Funeral.

Efforts to recall Dr. A. G. Franklin, at the afternoon session of the trial of Henry C. Beattie, Jr., proved unavailing under the order of Judge Watson. Dr. Franklin was placed on the stand as a rebuttal witness, and was asked as to the charge made by him against Henry C. Beattie, Jr., for professional services to the family of Bon Air, but the court held that it was not a subject for rebuttal evidence.

C. S. Oliver, a brick contractor, was called. He said he had owned and run an automobile for the past eighteen months, making all his own repairs, and was offered by the State as an automobile expert.

Mr. Smith protested that the State had raised this matter in its evidence in chief, when Detectives Scherer, Wiltshire and Jarrell testified to their examination of the blood-stained car. In reply the defense had offered expert evidence as to the possibility of blood running through the motor car to the road, and the attorney claimed that this was not now a proper subject of rebuttal.

Argued Without Jury. The jury was taken out while the question was argued, and the judge by counsel. Mr. Carter held that the State was attempting to pull in its rebuttal what it had failed to offer in its examination in chief. Judge Gregory argued the case for the Commonwealth. The Commonwealth had proved by a number of witnesses that the blood spot in the road could not have been occasioned from blood leaking from the machine; the defense had offered expert automobile men to reply to this contention to show that there was a way by which in that particular car the blood might have dripped over the gasoline tank, and thence to the road. Judge Watson said that it was asking too much that the Commonwealth also put on experts—the contrary testimony would go on as rebuttal.

Do you mean to tell us," asked Judge Watson in reply to Mr. Smith's contention, "that Officers Jarrell and Wiltshire are automobile experts?"

"I do not," assented Mr. Smith. "I understand Mr. Wiltshire had had practical experience in machinery."

"We learned for the first time on Saturday," asserted Mr. Wendenburg, "that human hair clotted in blood was to be found beneath the driver's seat of the motor car. There is no rule in evidence which will exclude important after-discovered evidence."

"That may be true," replied Mr. Carter. "When the evidence is of a nature that no reasonable diligence would have ascertained it before trial. This motor car has been in the possession of the Commonwealth since the inquest. It has been examined again and again, and I submit that it is rather late for the State to be finding such marks about it."

"We wish to show how that hair got under the seat," said Mr. Wendenburg. "We wish to show that the statement of the accused cannot be true as to the manner in which he brought the body home. The hair clotted with blood is still to be seen just as it was found in the framework under the driver's seat."

During this statement Henry Beattie watched Mr. Wendenburg with wide, staring eyes, as though horrified at the suggestion of the prosecution that he had as a matter of fact laid the body of his wife across two

seats, taken the sloping driver's cushion out and placed it against the back of the car, and sat on it on the way home to the Owen place.

"There must be an end to this strife," ruled the court, after both sides had been fully heard. "If there is any item of testimony which would go to the merits of this case, until it is actually submitted to the jury, I would not feel free to exclude it from the jury. Single circumstances which the court deems to be slight and remote in their bearing, however, must be eliminated. We cannot reopen the case in chief at this stage for any but the most essential matters."

Mr. Oliver was recalled and the jury returned.

Judge Watson entered a formal ruling to the effect that in rebuttal the State could introduce experts not to testify to their examination of this particular car and the blood stains on it, but as to the mechanism and the possibility of blood leaking through to the ground.

Mr. Oliver said he would not consider himself an expert on the construction of an automobile. Mr. Wendenburg answered a protest from the other side that no further basis for expert testimony had been laid in the case of Carroll Montague, who had testified for the defense.

Mr. Oliver said he had overhauled and repaired machines and understood the Buick and the manner in which its parts are fitted together. He could take a car apart and fit it together again.

Technical Evidence. "In examining this Buick car did you take the boards off the floor and the facing of the gasoline tank?" he was asked.

"I did."

"If any liquid, such as blood, had been poured on the tank could it have passed to the ground?"

"It could have done so at some points. If poured on the top of the tank it could get to the ground from the far right-hand side. If poured over the center of the tank it would fall on the transmission."

"Are the spaces where blood could have leaked off the ground beneath any of the blood stains found on the gasoline tank?"

Messrs. Smith and Carter were prompt with objections, which were sustained.

"The machine is in evidence," remarked Mr. Wendenburg. "The jury can go and see it and look at the blood stains on the gasoline tank for themselves."

The witness went on to explain that the brake band covering the transmission would be apt to get very hot when the car had been running some time, and if a few drops of blood had fallen on it they would be dried out at once. He wanted to go on to show that certain running streams had in fact dried out by the heat before running down the sides of the tank when he was again stopped by objections and allowed to stand aside.

Alipor a Witness. Robert B. Alipor was called. He testified that he was vice-president of the Eastern Motor Sales Corporation, and knew of the makes of automobiles in general and had examined this

Buick in particular.

"Is there any place where liquid might pass from the gasoline tank to the ground?"

"Yes. There are two spaces, about four inches wide on either side of the brake-band. That band is about nine inches in diameter, leaving about four inches clear on either side. The dust-scraper extends back almost to the gasoline tank."

"Can the jury see those spaces where blood might pass through and also see by the streaks and so be able to determine for itself whether any blood has passed through?"

"By removing the footboards the jury can see for themselves."

"Mr. Beattie has testified that on the night his wife was killed he had his machine wide open; that the car had before developed a speed of fifty-five miles an hour, and that he was running not less than forty miles on Thursday night."

"About twenty-five minutes."

"Were you at home when he went out?"

"Yes. A phone message came from somebody who wanted Paul. I heard Paul say into the phone: 'You want me to meet you in fifteen minutes at Main and Main Streets,' and then he came upstairs and dressed and went out."

"When did you see this machine again?"

"Saturday night."

"Was the same man running it?"

"Yes."

"What time did you see him and the machine on Saturday night?"

"About five minutes after 11 o'clock. Paul got out and came into the house. It appeared to me to be the same man. The general outlines were the same."

Questioned by Mr. Smith. Mr. Smith took the witness for cross-examination.

"Was the top up or down on Thursday night?"

"I think it was up."

"Did the machine you saw on Saturday night have the same sort of top as the one on Thursday night?"

"It was a tan top on Saturday night."

"Who have you talked with to-day in regard to the color of the top of the car?"

"Mr. Scherer."

W. T. Lindsay was called. He stated that he had known Paul Beattie for two years.

"Do you know his general reputation for truth and veracity?" asked Mr. Wendenburg.

"It is good in my neighborhood. I live within a square of Paul Beattie's residence."

A motion to strike out the evidence of this witness as not having sufficient information as to his general reputation for truth and veracity was overruled.

If there had been anything against him I would have heard it," stated the witness.

Gives Paul Good Name. R. D. Johnson, a retail grocer of 1317 West Cary Street, two blocks from Paul Beattie's home, was asked:

"Do you know his general reputation for truth and veracity?"

"Yes, I think I do."

"What is it?"

"I think the people in the community think well of him."

"Is a customer of yours?" asked Mr. Smith.

"Yes."

"A good customer?"

"Yes."

"On credit?"

"Yes, for more than a year past."

"Does he pay his bills promptly?"

"Yes."

John F. Ferriter, of 106 Randolph Street, living within half a square of Paul Beattie's home, admitted when called that he had only known Paul Beattie personally since yesterday morning. He had known his father-in-law and brother-in-law and thought well of them.

"Do you know how Paul stands in the community?"

"I know nothing of his character at all. I never heard anything said against him."

"You really don't know anything at all about him—his name, what you would call a stranger to you personally?"

"Yes."

"This testimony should not be in the record," said Judge Watson. "He doesn't know anything of Paul Beattie, and his testimony is stricken out."

People Think Well of Him. H. R. Blunt, of 1319 Taylor Street, who lives around the corner from Paul Beattie, testified that he knew his general reputation for truth and veracity, and had never heard anything against him.

"Do you know what people about you think of him?"

"Yes, they think well of him. The first time I ever heard his reputation

discussed was on Saturday night at Johnson's store.

R. P. Dollard, of 106 Randolph Street, one block from Paul Beattie's home, testified that in the neighborhood he had never heard anything against the boy, that in the neighborhood they seemed to think well of him. Mr. Carter protested that this witness was not sufficiently informed to testify as to his general reputation for truth and veracity.

"If a man lives in a community a long time and nothing is said against him," ruled the court, "that fact is in his favor. The witness is not limited to having heard other people discuss his reputation. If he knows how he stands in the community in which he lives he may testify."

Pop Tate Knows Him. Policeman E. C. (Pop) Tate, who lives at 1624 Beverly Street, was called. He lives five blocks from Paul's reputation was good as far as he knew. He admitted that he had limited opportunities of knowing. "I think the people around there think he is all right, as far as I know," he testified. As this was largely his opinion his testimony was excluded.

Gregg Fisher, of 2312 M Street, said he had known Paul about five years; he used to know Paul in New Kent county, and said his reputation down there was good.

"I was superintendent of a Sunday school," said the witness, "and he used to come regularly. I never heard his reputation spoken of other than as good."

Hubert Anderson, formerly lived in New Kent county, where he had known Paul and thought his reputation was good.

J. J. Kay, who formerly lived in New Kent, had known Paul for five or six years. His general reputation for truthfulness was good. Paul had visited at the home of David Beattie and was generally respected and thought as much of as other young men in the neighborhood. "I never heard anything disrespectful of him," said the witness. "If there had been anything wrong, I would have heard of it."

J. O. Goode, a conductor on the Southern Railway, stated that he knew where the rock quarry was on the Southern near the Belt Line tracks.

"Is there anything unusual in seeing a man walking along near there carrying a shotgun?" he was asked.

"No, sir; there is nothing unusual in it. I have seen them."

Policeman a Witness. Policeman C. C. Green, of the Richmond force, was sworn, and he testified that he knew Paul Beattie and knew Henry Beattie by sight, but not personally.

"Henry Beattie has testified that he was at Fourth and Franklin Streets previous to the murder. Do you know anything about that?"

"I saw him and Paul there."

"At what time?"

"At 10:25 o'clock on the Saturday night before the murder."

"They talked to you?"

"Yes."

"What were they in?"

"An automobile."

"What were they doing?"

"They were fixing the lights."

"Have you seen the car exhibited to the jury out here?"

"Yes."

"Are the lamps on it now just as he fixed them then?"

"Yes, he took one of the big front lights and put it on in the rear."

Green Cross-Examined. Mr. Smith came to the cross-examination vigorously.

"How did you fix the time so certainly?"

"Well, I pulled in at 33 box at 5:35, then I went over my beat," and the witness detailed the streets he had covered, "trying front doors to see that they were locked." He told of meeting Connie Johnson, just returning from the moving pictures, which he had left at 10:15, and said he had judged the time to be 10:25.

"You would not swear that it was not 10:30 or even 10:35?"

"No, sir."

"Then why were you so positive it was 10:25? You didn't say about or

testified that he recalled the night of Mrs. Beattie's murder—July 18.

"What time did Mr. Kastelberg's car come back to the garage that night?" asked Mr. Wendenburg.

"About 10:30. I didn't look at my watch. As it came in Mr. Kastelberg asked me if anybody had called him up, and after he had talked to me close on to half an hour, he looked at his watch and said it was close to 11 o'clock, and he would have to go."

"Do you keep any record of the time of coming and going of cars at the garage?"

"No, sir."

"Then how did you happen to notice that particular time on a night nearly six weeks ago. The car has been out a great many times since hasn't it?"

"Well, I'll tell you why I noticed it. Mr. Kastelberg had told the garage manager if his wife called up to say that the car was in the garage, and he had gone out on business."

Paul's Pay Envelope. E. A. Dunlop, timekeeper for J. J. Smith & Co. on the New Mayo Bridge, produced his note book on the stand and testified that on the Saturday, Sunday and Monday preceding the killing of Mrs. Beattie, Paul Beattie had worked ten hours each day. He explained that the men were paid off at 4:30 o'clock on Saturday afternoon, and that Rafter had been there then to relieve Beattie.

"If a man were to leave with a substitute in his place," asked Mr. Smith, "would you notice it?"

"Probably not," answered the timekeeper. Mr. Dunlop identified a pay envelope marked "P. D. Beattie, \$10.05," as having been that delivered to Paul Beattie on the Saturday afternoon in question, the amount tallying with the amount of time made by Paul during the previous week. The envelope marked "P. D. Beattie, \$10.05," was shown to Paul, who lived over the garage, and the gun was purchased.

Dr. Mann Recalled. Dr. Herbert Mann was recalled, and testified as to having attended Henry Beattie prior to his wife's death.

"Was Paul Beattie faking at the coroner's inquest?" he was asked.

"I saw Paul twice at the inquest on Friday—the first day. I was listening to the testimony when Dr. Loving asked me if I would go in to see if I could not stop Paul from holding so. I found six or eight men struggling with him, and somebody was asking for handcuffs. I said, if you will just leave him alone he will get quiet himself. If you don't fight with him, about a half hour later Dr. Loving asked me if he was in condition to be taken to hospital. I went around to see him again, leaned over him and was saying it was a hysterical spell—a nervous breakdown. I think I told him that if I could make him mad I could get some sense into him. I leaned over him and said, 'Paul, you had better get up and do some talking. If you don't you will be put in jail.' I wanted to make him mad, but he got some sense into him here; there is no reason on earth why you couldn't go to a hospital. After I had looked him over I told the police they could put him in a car and take him to the hospital with no danger of his doing him die on the way. I didn't use the word 'faking.'"

After consultation between the attorneys on both sides Mr. Wendenburg announced to the jury:

"It is agreed, to save the time of examining another witness or taking the jury out again to view the Beattie motor car, that when the top is up, the top is black. When the top is down, it has a yellow tan cover. If it is over it, making it appear to have a yellow top."

"Friend doesn't mean," said Mr. Smith, laughing, "that when you take the top down it changes to a black top, and shows so when it is up. When it is down the tan or yellow cover covers it, making it appear yellow."

Went Into Woods. John Alsop was called. He told of going out to the scene of the crime with Mr. Scherer, Major Patton, and the dogs on the morning following the murder.

"Did Mr. Beattie state to you that morning following the murder that the assassin was in the woods?"

"Yes; he pointed his hand that way and said he went off in the woods."

"He may have meant that he went on up the road a piece and then entered the woods?"

"That wasn't the way I understood him."

Henry Owen, brother of Mrs. H. C. Beattie, Jr., was called.

"Mr. Beattie has testified here," said Mr. Wendenburg, "that he didn't know what became of the gauntlets he was using on the night of the crime. Didn't you on Wednesday, about 1:30 o'clock, go up the road with Henry, and didn't you have some trouble with the engine, and didn't Henry open the hood and look at it, and then jerk it back as though it had been burned, and didn't Douglas say: 'Where are your gauntlets?' and didn't Henry reply that he must have left them at home?"

"We are prepared to prove that he had them, and that he was wearing them," remarked Mr. Smith, and Mr. Wendenburg did not press the point.

Saw Them Alone on Porch. "On July 18, the night of the murder, didn't you see Henry C. Beattie, Jr., when he left his garage in his car?"

"Yes."

"What time did he leave?"

"At 7:45 o'clock. I couldn't be more than a few minutes out of the way. He went toward Semmes Avenue."

"Did you see Paul Beattie at the home of H. C. Beattie after the homicide?"

"Yes, on Thursday night."

"At what time?"

"Between 7:30 and 9 o'clock, somewhere."

"Where was he?"

"On the side porch alone with Henry. There was no one within ten feet of them. Henry was in a chair and Paul was sitting on the railing of the porch. That night I saw them sitting alone in the dining room."

Mr. Carter Protested. Mr. Carter again protested that this was not proper rebuttal testimony. "They put Paul on to assert certain facts," he argued. "We put Henry on in reply, and that should end it."

"Where the issue is joined," said the court, "the object of rebuttal is to elucidate. You may except to the ruling of the court."

"Mr. Beattie has testified," said Mr. Wendenburg, "that every time he left his wife he would kiss her. Do you remember any occasion after the baby was born when she would not kiss him?"

"The Commonwealth opened up the question of relationship when they put Mrs. Owen on the stand," protested

(Continued on Eighth Page.)

They Say He Saw No Gun



E. H. NEBLETT.

(Snapshot by Foster.)

the porch of my house."

"Could the man in the machine have heard what passed between you and Paul?" asked the court. She replied that the man in the machine could not have heard them, and what was said by Paul to her was ruled out.

"What was the color of the machine?"

"It was too dark to see."

"What time was it?"

"Between 9 and 10—near to 10."

"Was the top up?"

"Yes."

"Was it yellow?"

"I can't tell. Yellow looks black to me in the dark."

As Mrs. Nolan finished the court's watch spoke the hour as being close to 1:15, and court was adjourned for lunch.

HENRY OWEN SWEARS COUPLE HAD WORDS

Beattie, Two Weeks Before Murder, Left Wife Without Being Kissed—Same Witness Saw Him Talking Quietly With Paul at Beattie Home After Funeral.

Efforts to recall Dr. A. G. Franklin, at the afternoon session of the trial of Henry C. Beattie, Jr., proved unavailing under the order of Judge Watson. Dr. Franklin was placed on the stand as a rebuttal witness